

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: XO NETWORK SERVICES, INC. AND XO COMMUNICATIONS SERVICES, INC.	DOCKET NO. SPU-04-19
---	----------------------

ORDER DOCKETING FOR FURTHER INVESTIGATION

(Issued August 20, 2004)

On April 13, 2004, the Utilities Board (Board) issued an order in Docket No. TCU-03-17 granting a certificate of public convenience and necessity, identified as Certificate No. 0280, to XO Network Services, Inc. (XO Network).

On July 23, 2004, XO Network and XO Communications Services, Inc. (XO Communications), filed with the Board a joint application to transfer XO Network's certificate to XO Communications. In support of their request, the applicants state that they are both wholly-owned subsidiaries of XO Communications, Inc. The applicants also requested that XO Network's approved tariff be amended to reflect the name XO Communications (XO).

Upon review of the applicants' joint request, the Board finds that additional information is necessary. Specifically, the Board will require that the applicants file a request for a waiver of Board subrule 199 IAC 22.23(2), regarding unauthorized changes in telecommunications service. The Board will also require that the applicants submit filing documents from the Iowa Secretary of State reflecting the

registration of XO Communications to do business in Iowa. Board staff has contacted the applicants regarding this information, but the Board has not received these items. Therefore, the Board will docket this joint application pending receipt of the requested information.

The Board notes that this information should be filed within 30 days of the issuance of this order. If the requested information is not received within 30 days, the Board may dismiss this joint application without prejudice, allowing it to be re-filed when all supporting documentation is obtained.

IT IS THEREFORE ORDERED:

1. The joint application for transfer of Certificate No. 0280, filed by XO Network Services, Inc., and XO Network Communications, Inc., on July 23, 2004, is docketed for further investigation.

2. The information described in this order shall be filed within 30 days of the issuance of this order.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 20th day of August, 2004.